



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1795

DATE SCANNED 11/25/09

SCANNER NO. 2

SCAN OPERATOR SSS

29092643060



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *gfb*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *gfb*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/ *NW* RHIANNON MAGRUDER/ *RM* CHRIS RITCHIE *CR*
COMPLIANCE BRANCH

SUBJECT: WITHDRAWAL AND RESUBMISSION OF REASON TO
BELIEVE RECOMMENDATION – 2008 APRIL QUARTERLY
REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

2008 SEP 18 P 12:16
FEDERAL ELECTION COMMISSION
SECRETARIAT

We are withdrawing the document circulated to the Commission on June 23, 2008 in order to reflect updates disclosed in recent filings received by the Commission. Attached is the list of political committees and their treasurers who failed to file the 2008 April Quarterly Report in accordance with 2 U.S.C. 434(a). The April Quarterly Report was due on April 15, 2008.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2008 APRIL QUARTERLY Not Election Sensitive 04/15/2008 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1793	C00382280	ACE CASH EXPRESS INC PAC		DAVID DODSON	\$177,279	0	4/22/2008	7	\$26,535	\$340
1794	C00396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM A. LAWSON	\$267,029	5	5/2/2008	17	\$36,076	\$1,215
1795	C00439869	BALDERMANN FOR CONGRESS	BALDERMANN, TIM	KENDALL LYNCHEY	\$157,306	0		Not Filed	\$157,306 (est)	\$5,500
1796	C00434456	BOB HILL FOR CONGRESS	HILL, ROBERT ANTHONY	KATHLEEN KUKIELKA	\$322,400	0		Not Filed	\$107,467 (est)	\$4,500
1797	C00438416	CAPPARELLI FOR CONGRESS COMMITTEE	CAPPARELLI, JIM	JOHN O'BRIEN	\$125,059	0	4/22/2008	7	\$20,243	\$135
1798	C00417972	CHASE FOR SENATE	CHASE, KEN	FRANCIS G CHASE	\$133,296	0		Not Filed	\$33,324 (est)	\$900
1799	C00408623	COMMITTEE TO RE-ELECT BOBBY JINDAL INC	JINDAL, BOBBY	WILLIAM C. POTTER	\$108,358	0		Not Filed	\$27,090 (est)	\$900
1800	C00125534	COMPOSITION ROOFERS LOCAL UNION #30 POLITICAL ACTION & EDUCATION FUND		TOM PEDRICK	\$293,680	1	4/25/2008	10	\$56,735	\$1,312
1801	C00148783	CONTRAN CORPORATION POLITICAL ACTION COMMITTEE (CONPAC)		MR. JOHN ST. WRBA	\$285,086	0	4/21/2008	6	\$120,162	\$1,350
1802	C00440172	DICK VERSACE FOR CONGRESS	VERSACE, RICHARD	THOMAS MASSIMINO	\$338,580	0		Not Filed	\$339,580 (est)	\$8,000
1803	C00431049	FINEGOLD COMMITTEE	FINEGOLD, BARRY	TRAVIS M. DROUIN	\$1,821,497	0		Not Filed	\$364,299 (est)	\$9,000

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AP#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1804	C00334193	FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST CITIZENS BANCSHARES PAC)		MR. JOHN H. GRAY	\$129,889	1	4/21/2008	8	\$34,000	\$400
1806	C00435438	GENE CHRISTENSEN FOR CONGRESS	CHRISTENSEN, GENE	RICK NEUDORFF	\$581,680	0	7/26/2008	Not Filed	\$46,288	\$900
1807	C00203497	HOUSTON FIRE FIGHTERS POLITICAL ACTION FUND, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS		JEFFERY CAYNON	\$104,012	0	5/8/2008	24	\$44,909 (est)	\$680
1808	C00115568	INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 4 SOCIAL ACTION COMMITTEE-FEDERAL		DAVID F. FANTINI	\$115,094	0	5/5/2008	20	\$18,000	\$200
1809	C00434654	JENNY OROPEZA FOR CONGRESS	OROPEZA, JENNY	WEISSMAN, SHARON	\$772,118	0	5/8/2008	21	\$1,105	\$130
1810	C00445775	JOE PENNACCHIO FOR U S SENATE	PENNACCHIO, JOSEPH	ALAN ZAKIN	\$190,338	0	4/23/2008	8	\$168,482	\$2,000
1811	C00086611	KANSAS BANKERS ASSOCIATION BANKPAC		JULIE TAYLOR	\$177,088	0	5/5/2008	20	\$48,818	\$600
1812	C00439677	LEE FOR CONGRESS 2008	LEE, JIMMY D.	GERALD BAUMAN	\$277,402	0	4/30/2008	15	\$145,694	\$2,475
1813	C08434670	NACHBAR FOR CONGRESS	NACHBAR, DAVID	NANCY NACHBAR	\$431,747	0		Not Filed	\$143,916 (est)	\$4,500
1814	C00143362	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE		PHIL TRUCKS, JR.	\$126,745	2	5/13/2008	28	\$26,843	\$1,140
1815	C00433128	RICARDO MUNOZ FOR CONGRESS	MUNOZ, RICARDO	CARMEN FLORES-RANCE	\$690,313	0		Not Filed	\$172,578 (est)	\$5,500
1816	C00443465	SEAN O'KANE FOR US CONGRESS COMMITTEE	O'KANE, SEAN THOMAS	WILLIAM J. SAMMON	\$231,619	0		Not Filed	\$115,810 (est)	\$4,500

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AP#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1817	C00252395	STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE		THOMAS MANNING	\$484,785	1	4/22/2008	7	\$90,064	\$1,375
1818	C00378216	SUN POLITICAL ACTION COMMITTEE (SUNPAC)		STEWART APPELROUTH	\$245,584	0	5/6/2008	21	\$55,000	\$1,875
1819	C00039164	TEAMSTERS LOCAL 959 ALASKA LABOR INDEPENDENT VOTER EDUCATION		KRIS LIRA	\$109,797	0	5/6/2008	21	\$6,290	\$155
1820	C00150045	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE		GLENN MARSHALL	\$135,044	3	4/21/2008	6	\$14,285	\$227

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2008 April)
Quarterly Report for the Administrative)
Fine Program:)
PLUMBERS LOCAL 519 POLITICAL) AF# 1814
ACTION COMMITTEE, and PHIL)
TRUCKS JR as treasurer;)
HOUSTON FIRE FIGHTERS POLITICAL) AF# 1807
ACTION FUND, INTERNATIONAL)
ASSOCIATION OF FIRE FIGHTERS, and)
JEFFERY CAYNON as treasurer;)
JENNY OROPEZA FOR CONGRESS, and) AF# 1809
WEISSMAN, SHARON as treasurer;)
SUN POLITICAL ACTION COMMITTEE) AF# 1818
(SUNPAC), and STEWART)
APPELROUTH as treasurer;)
TEAMSTERS LOCAL 959 ALASKA) AF# 1819
LABOR INDEPENDENT VOTER)
EDUCATION, and LIRA, KRIS as)
treasurer;)
INTERNATIONAL UNION OF) AF# 1808
OPERATING ENGINEERS LOCAL 4)
SOCIAL ACTION COMMITTEE-)
FEDERAL, and FANTINI, DAVID F. as)
treasurer;)
KANSAS BANKERS ASSOCIATION) AF# 1811
BANKPAC, and JULIE TAYLOR as)
treasurer;)
AL GREEN FOR CONGRESS, and) AF# 1794
WILLIAM A LAWSON as treasurer;)
LEE FOR CONGRESS 2008, and) AF# 1812
GERALD BAUMAN as treasurer;)
COMPOSITION ROOFERS LOCAL) AF# 1800
UNION #30 POLITICAL ACTION &)
EDUCATION FUND, and TOM PEDRICK)
as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
September 19, 2008

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JOE PENNACCHIO FOR U S SENATE,) AF# 1810
and ALAN ZAKIN as treasurer;)
ACE CASH EXPRESS INC PAC, and) AF# 1793
DAVID DODSON as treasurer;)
CAPPARELLI FOR CONGRESS) AF# 1797
COMMITTEE, and JOHN O'BRIEN as)
treasurer;)
STEAMFITTERS LOCAL 475) AF# 1817
POLITICAL ACTION COMMITTEE, and)
THOMAS MANNING as treasurer;)
CONTRAN CORPORATION POLITICAL) AF# 1801
ACTION COMMITTEE (CONPAC), and)
ST. WRBA, JOHN MR as treasurer;)
FIRST CITIZENS BANCSHARES INC) AF# 1804
POLITICAL ACTION COMMITTEE)
(FIRST CITIZENS BANCSHARES PAC),)
and GRAY^JOHN H.^MR.^ as treasurer;)
UNITED BROTHERHOOD OF) AF# 1820
CARPENTERS/JOINERS OF AMER NEW)
ENGLAND REG CARPENTERS LEGIS)
EMP CMTE, and GLENN MARSHALL as)
treasurer;)
BALDERMANN FOR CONGRESS, and) AF# 1795
LYNCHEY, KENDALL as treasurer;)
BOB HILL FOR CONGRESS, and) AF# 1796
KATHLEEN KUKIELKA as treasurer;)
CHASE FOR SENATE, and FRANCIS G) AF# 1798
CHASE as treasurer;)
COMMITTEE TO RE-ELECT BOBBY) AF# 1799
JINDAL, and WILLIAM C POTTER as)
treasurer;)
DICK VERSACE FOR CONGRESS, and) AF# 1802
THOMAS MASSIMINO as treasurer;)
FINEGOLD COMMITTEE, and TRAVIS) AF# 1803
M DROUIN as treasurer;)
GENE CHRISTENSEN FOR CONGRESS,) AF# 1806
and RICK NEUDORFF as treasurer;)
NACHBAR FOR CONGRESS, and) AF# 1813
NANCY NACHBAR as treasurer;)
RICARDO MUNOZ FOR CONGRESS,) AF# 1815
and CARMEN FLORES-RANCE as)
treasurer;)
SEAN O'KANE FOR US CONGRESS) AF# 1816
COMMITTEE, and WILLIAM J)
SAMMON as treasurer;)

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 19, 2008 the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation - 2008 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 18, 2008, on the following committees:

AF#1814 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE, and PHIL TRUCKS JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1807 Decided by a vote of 6-0 to: (1) find reason to believe that HOUSTON FIRE FIGHTERS POLITICAL ACTION FUND, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, and JEFFERY CAYNON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1809 Decided by a vote of 6-0 to: (1) find reason to believe that JENNY OROPEZA FOR CONGRESS, and WEISSMAN, SHARON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1818 Decided by a vote of 6-0 to: (1) find reason to believe that SUN POLITICAL ACTION COMMITTEE (SUNPAC), and STEWART APPELROUTH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

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letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1819 Decided by a vote of 6-0 to: (1) find reason to believe that TEAMSTERS LOCAL 959 ALASKA LABOR INDEPENDENT VOTER EDUCATION, and LIRA, KRIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1808 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 4 SOCIAL ACTION COMMITTEE-FEDERAL, and FANTINI, DAVID F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1811 Decided by a vote of 6-0 to: (1) find reason to believe that KANSAS BANKERS ASSOCIATION BANKPAC, and JULIE TAYLOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1794 Decided by a vote of 6-0 to: (1) find reason to believe that AL GREEN FOR CONGRESS, and WILLIAM A LAWSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1812 Decided by a vote of 6-0 to: (1) find reason to believe that LEE FOR CONGRESS 2008, and GERALD BAUMAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1800 Decided by a vote of 6-0 to: (1) find reason to believe that COMPOSITION ROOFERS LOCAL UNION #30 POLITICAL ACTION & EDUCATION FUND, and TOM PEDRICK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1810 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PENNACCHIO FOR U S SENATE, and ALAN ZAKIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1793 Decided by a vote of 6-0 to: (1) find reason to believe that ACE CASII EXPRESS INC PAC, and DAVID DODSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1797 Decided by a vote of 6-0 to: (1) find reason to believe that CAPPARELLI FOR CONGRESS COMMITTEE, and JOHN O'BRIEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1817 Decided by a vote of 6-0 to: (1) find reason to believe that STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE, and THOMAS MANNING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1801 Decided by a vote of 6-0 to: (1) find reason to believe that CONTRAN CORPORATION POLITICAL ACTION COMMITTEE (CONPAC), and ST. WRBA, JOHN MR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1804 Decided by a vote of 6-0 to: (1) find reason to believe that FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST CITIZENS BANCSHARES PAC), and GRAY^JOHN H.^MR.^ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1820 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE, and GLENN MARSHALL as treasurer violated 2

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U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1795 Decided by a vote of 6-0 to: (1) find reason to believe that BALDERMANN FOR CONGRESS, and LYNCHY, KENDALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1796 Decided by a vote of 6-0 to: (1) find reason to believe that BOB HILL FOR CONGRESS, and KATHLEEN KUKIELKA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1798 Decided by a vote of 6-0 to: (1) find reason to believe that CHASE FOR SENATE, and FRANCIS G CHASE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1799 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO RE-ELECT BOBBY JINDAL, and WILLIAM C POTTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1802 Decided by a vote of 6-0 to: (1) find reason to believe that DICK VERSACE FOR CONGRESS, and THOMAS MASSIMINO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1803 Decided by a vote of 6-0 to: (1) find reason to believe that FINEGOLD COMMITTEE, and TRAVIS M DROUIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1806 Decided by a vote of 6-0 to: (1) find reason to believe that GENE CHRISTENSEN FOR CONGRESS, and RICK NEUDORFF as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1813 Decided by a vote of 6-0 to: (1) find reason to believe that NACHBAR FOR CONGRESS, and NANCY NACHBAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1815 Decided by a vote of 6-0 to: (1) find reason to believe that RICARDO MUNOZ FOR CONGRESS, and CARMEN FLORES-RANCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1816 Decided by a vote of 6-0 to: (1) find reason to believe that SEAN O'KANE FOR US CONGRESS COMMITTEE, and WILLIAM J SAMMON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 23, 2008
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 22, 2008

Kendall Lynchey
Baldermann for Congress
P.O. Box 2862
Joliet, IL 60434

C00439869
AF#: 1795

Dear Kendall Lynchey:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31st, 2008 shall be filed no later than April 15th, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/19/2008, the FEC found that there is reason to believe ("RTB") that Baldermann for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th, 2008. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$5,500. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$157,306
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 10/29/2008. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty

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by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly.** Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. 111.35.

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Baldermann for Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the

29092643073

Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "DFM II", with a stylized flourish at the end.

Donald F. McGahn II
Chairman

2909264307A

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$5,500 for the 2008 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9,000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by 10/29/2008. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Baldermann for Congress

FEC ID#: C00439869

AF#: 1795

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$5,500

29092643075

KENDALL B. LINCHEY, LTD.

Attorney and Counselor at Law

October 27, 2008

Federal Election Commission
Office of Administrative Review
999 E Street NW
Washington, DC 20463

VIA OVERNIGHT DELIVERY

FEC OFFICE
ADMIN REVIEW
2008 OCT 28 P 3 10

Attn: Shawn Woodhead Werth

Re: **AF 1795 - RTB**
FEC ID No.: C00439869
Response of Kendall Lynchey

Dear Ms. Woodhead Werth:

This letter is my response to the FEC's letter to me dated September 22nd, 2008 ("the Letter.") The Letter states that the FEC has found a reason to believe ("RTB") that the Baldermann for Congress Political Committee ("the Committee"), and I, as the Committee's treasurer, violated 2 USC §434(a) by failing to file timely an April Quarterly Report of Receipts and Disbursements for the quarter ending March 31st, 2008.

2 USC §434(a)(1) provides that

Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

The above statute section is the basis set forth in the FEC's September 22nd letter for the RTB finding.

Pursuant to 11 CFR §111.35(b)(1)(i), I hereby challenge the FEC's RTB finding on the basis that it contains factual errors as it pertains to me personally. The error that forms the basis for my challenge is the fact that I am not, and never have been, the treasurer of the Committee.

The FEC's web site discloses that the Committee filed its FEC-1 Statement of Organization on October 17th, 2007. (Copy enclosed as

29092643076

Ms. Woodhead Werth
October 27, 2008
Page 2 of 2

"Exhibit A.") That document identifies Christopher J. Ward as the Committee's treasurer.

The FEC's web site also discloses that the Committee filed an FEC-1 Amended Statement of Organization on February 8th, 2008. (Copy enclosed as "Exhibit B.") The Amended Statement of Organization identifies me, Kendall Lynchey, as the Committee's treasurer. That document also indicates that it was "Electronically Filed by Kendall Lynchey."

I could not have, and did not, file the Amended Statement of Organization on February 8th, 2008, because I did not at any time have access to the Committee's electronic filing password. In addition, I did not file the February 8, 2008 Amended Statement of Organization by mail or by any other means.

Moreover, I did not authorize any person connected with the Committee to file an Amended Statement of Organization identifying me as the treasurer of the Committee.

Finally, I did not receive correspondence from the FEC regarding this matter because it was addressed to the Committee's P. O. Box address, to which I did not, and do not, have access.

Because 2 USC §434(a)(1) imposes the obligation to file the required reports on a political committee's treasurer, I believe I cannot reasonably be held responsible for the Committee's failure to file timely the April Quarterly Report of Receipts and Disbursements for the quarter ending March 31st, 2008.

Based on the above, I request that the FEC make a final determination, pursuant to 11 CFR §111.37, that I have committed no violation of 2 USC §434(a).

Sincerely,

Kendall Lynchey

29092643077

**FEC
FORM 1**

**STATEMENT OF
ORGANIZATION**

(See instructions)

RECEIVED
FEC MAIL CENTER

2007 OCT 17 AM 10:34

Office use only

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines

12FE4M5

Baldernann for Congress

ADDRESS (number and street)

PO Box 2862

☐

(Check if address
is changed)

Joliet

IL

60434

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

chris@ampolweb.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

None

COMMITTEE'S FAX NUMBER

7036367912

2. DATE

MM / DD / YYYY
10 / 04 / 2007

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer

Christopher J. Ward

Signature of Treasurer

Electronically Filed by Christopher J. Ward

Date

10/04/2007

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 8437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-6830
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

EXHIBIT A

27033923092643078

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

<input checked="checked" type="checkbox"/> Hand Delivered	Date of Receipt <i>10/17/07</i>
<input type="checkbox"/> USPS First Class Mail	Postmarked
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
<i>Jms</i> PREPARER (3/2005)	<i>11/17/07</i> DATE PREPARED

270 -- 29092643079

5. TYPE OF COMMITTEE (Check One)

- (a) ☒ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Tim Baldernann

Candidate Party Affiliation REP Office Sought ☒ House ☐ Senate ☐ President State IL District 11

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

- (d) ☐ This committee is a _____ (National, State (or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

- (e) ☐ This committee is a separate segregated fund

- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

None

Mailing Address _____

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship _____

Type of Connected Organization:

- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization
- ☐ Membership Organization ☐ Trade Association ☐ Cooperative

2705923892643080

Write or Type Committee Name

Baldermann for Congress

7. Custodian of Records: Identify by name, address, (phone number – optional), and position of the person in possession of Committee books and records.

Full Name Christopher J. Ward

Mailing Address PO Box 2862

Joliet IL 60434 -

Title or Position Treasurer CITY STATE ZIP CODE 703 635 7883

Telephone number - -

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Christopher J. Ward

Mailing Address PO Box 2862

Joliet IL 60434 -

Title or Position Treasurer CITY STATE ZIP CODE 703 635 7883

Telephone number - -

Full Name of Designated Agent

Mailing Address

-

Title or Position CITY STATE ZIP CODE

Telephone number - -

27057229092643081

8. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

First Community Bank

Mailing Address

2001 Black Rd

Joliet

IL

60435

CITY ▲

STATE ▲

ZIP CODE ▲

27L--29092643082

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

(See Instructions)

27c1 .5x.cnt

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

BALDERMANN FOR CONGRESS

ADDRESS (in full)

PO BOX 2882

(Check if address is changed)

JOLIET

IL

60454

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

baldermannforcongress@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

http://www.timbaldermannforcongress.com/

COMMITTEE'S FAX NUMBER

8157178880

2. DATE M M / D D / Y Y Y Y

02 / 08 / 2008

3. FEC IDENTIFICATION NUMBER

C C00439889

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Kendall Lynchey

Signature of Treasurer Electronically Filed by Kendall Lynchey

Date M M / D D / Y Y Y Y

02 / 08 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 18 U.S.C. 9437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-544-1100**FEC FORM 1**
(Revised 02/28/03)

FEC1AND42.PDF

EXHIBIT B

29092643083

5. TYPE OF COMMITTEE (Check One)

- (a) ☒ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of
Candidate

TIM BALDERMANN

Candidate
Party Affiliation

REP

Office
Sought:☒

House

Senate

President

State

IL

District

11

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of
Candidate

- (d) ☐ This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

- (e) ☐ This committee is a separate segregated fund

- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

Mailing Address

CITY A

STATE A

ZIP CODE A

Relationship

Type of Connected Organization:

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

Write or Type Committee Name

BALDERMANN FOR CONGRESS

7. **Custodian of Records:** Identify by name, address, (phone number – optional), and position of the person in possession of Committee books and records.

Full Name Margarita Almanza

Mailing Address 1938 E. Lincoln Highway

Suite 213

New Lenox IL 60451 -

Title or Position Deputy Campaign Mgr CITY STATE ZIP CODE 815 - 717 - 6650

Telephone number

8. **Treasurer:** List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Kendall Lynchey

Mailing Address 1938 E. Lincoln Highway

Suite 210

New Lenox IL 60451 -

Title or Position Treasurer CITY STATE ZIP CODE 815 - 462 - 2410

Telephone number

Full Name of Designated Agent _____

Mailing Address _____

_____ - _____

Title or Position _____ CITY _____ STATE _____ ZIP CODE _____

Telephone number - -

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

First Community Bank

Mailing Address

2801 Black Rd

Joliet

IL

60435

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

October 29, 2008

Kendall Lynchey, as Treasurer
Baldermann for Congress
P.O. Box 2862
Joliet, IL 60434

C00439869
AF# 1795

Dear Mr. Lynchey:

On October 28, 2008 the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

cc: Tim Baldermann

29092643087

Date: November 3, 2008

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 1795

Committee Name: Baldermann for Congress

Committee ID#: C00439869

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated September 18, 2008 and RTB
Certification, dated September 23, 2008: Previously Forwarded**

Attachment #: N/A

Certified Return Receipt (Y/N): N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2008 Pre-Primary Report Prior Notice, dated December 31, 2007.

-2008 April Quarterly Report Prior Notice, dated March 22, 2008.

-Non-Filer Letter, dated May 1, 2008.

-RTB Letter, dated September 22, 2008.

Attachment #: 2

**Other RAD Information: (Y/N): Y – RAD Memo to File, Returned RTB Letter,
Fax Transmittal**

Attachment#: 3


2008 NOV -3 A 11: 59

FEC OFFICE OF
ADMIN REVIEW

88037976067

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Baldermann for Congress:
 - A) Prior Notice, dated December 31, 2007, referencing the 2008 April Quarterly Report (sent via electronic mail to: chris@ampolweb.com);
 - B) Prior Notice, dated March 22, 2008, referencing the 2008 April Quarterly Report (sent via electronic mail to: baldermannforcongress@gmail.com)
 - C) Non-Filer Letter, dated May 1, 2008, referencing the 2008 April Quarterly Report;
 - D) Reason-to-Believe Letter, dated September 22, 2008, referencing the 2008 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Baldermann for Congress has not yet filed the 2008 April Quarterly Report with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 3rd day of November, 2008.


Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

ILLINOIS
Congressional Committees

December 31, 2007

COMMITTEES INVOLVED IN THE PRIMARY (02/05/08) MUST FILE:

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	--- WAIVED ---		
Pre-Primary	10/01/07 - 01/16/08	01/21/08 ²	01/24/08
48 Hour Notices	01/17/08 - 02/02/08	---see p. 3 of notice---	
April Quarterly	01/17/08 - 03/31/08	04/15/08	04/15/08

Supplemental Filing Information is available on pages 2 and 3 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that the registered/certified & overnight mailing deadline falls on a weekend or federal holiday. The report should be postmarked before that date.

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) who seek nomination in the primary election must file the above reports and notices.⁴ Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/electfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Other Means of Filing

Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for Senate committees, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Forms are available for downloading and printing at the FEC website at www.fec.gov/info/forms.shtml.

³Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

⁴If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of January 17 through February 2, 2008.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/electfil/online.shtml. U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the website at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late-and non-filers).⁵ For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

Form 3Z-1. Generally, principal campaign committees of U.S. House candidates running in 2008 must file FEC Form 3Z-1 as part of their 2007 Year-End Reports. However, in light of the Year-End Report being waived for committees of candidates running in the IL Primary Elections, these principal campaign committees must instead file FEC Form 3Z-1 as part of their Pre-Primary Election Reports. The information provided on this form allows opposing candidates to compute their "gross receipts advantage" which is used to determine whether a candidate is entitled to increased contribution and coordinated expenditure limits under the "Millionaires' Amendment."⁶

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁷ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

⁵Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

⁶See *Millionaires' Amendment* brochure on the FEC website at www.fec.gov/pages/brochures/millionaire.shtml.

⁷Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.



APRIL QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

March 22, 2008

CURRENT REPORT DUE

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	01/01/08 - 03/31/08	04/15/08	04/15/08

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf

Supplemental Filing Information is available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	04/01/08 - 06/30/08	07/15/08	07/15/08
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
48 Hour Notices	10/16/08 - 11/01/08	---see p. 4 of notice---	
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ²

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf.

Supplemental Filing Information is available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) must file an April Quarterly Report by April 15, 2008.⁴

Campaigns that raise or spend more than \$5,000 for the 2008 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2008, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/elecfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

³Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

⁴If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

Other Means of Filing

Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for Senate committees, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Forms are available for downloading and printing at the FEC website at www.fec.gov/info/forms.shtml.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/electfil/online.shtml.

U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the FEC web site at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf.

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁵ For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁶ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

⁵Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

⁶Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 1, 2008

RQ-7

KENDALL LYNCH, TREASURER
BALDERMANN FOR CONGRESS
PO BOX 2862
JOLIET, IL 60434

IDENTIFICATION NUMBER: C00439869

REFERENCE: APRIL QUARTERLY REPORT 1/17/2008 - 3/31/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT RHIANNON RYAN AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script, reading "Patricia Carmona", is written over the typed name.

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

29092643097



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 JUN 11 A 9 00

SENSITIVE

June 10, 2009

MEMORANDUM

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wertz
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz
Reviewing Analyst

Subject: AF# 1795 - Baldermann for Congress and its Treasurer
(C00439869)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendations.

The Committee is a respondent in three other cases: AF# 1836, AF# 1910 and AF# 2045. These four cases are being circulated together, and should be reviewed together, given the unique circumstances surrounding the Treasurer of the Committee.

On October 17, 2007, the Committee's original Statement of Organization was filed naming Christopher J. Ward as both the Treasurer and Custodian of Records. No other individuals are named as Designated Agents of the Committee. This Statement of Organization was hand delivered to the Commission. The Committee's first and only report was electronically filed on January 24, 2008 by Mr. Ward. On February 8, 2008, the Committee's Amended Statement of Organization was electronically filed. The Treasurer was changed from Christopher J. Ward to Kendall Lynchey. Margarita Almanza, the Deputy Campaign Manager, was named as the Custodian of Records.

29092643098

Based on the response received from the Information Technology Division's Manager, confirmation of the successful upload of the February 8, 2008 Amended Statement of Organization was emailed to paul@pdscompliance.com.

In AF# 1795 and 1836, Mr. Lynchey is named as the respondent Treasurer. He submitted the challenges for these cases, denies any association with the Committee, and says he was named as Treasurer without his knowledge.

In AF# 1910, the Candidate is named as the respondent Treasurer. In Mr. Baldermann's challenge to the RTB finding in this case, he states that he was "aware of Christopher Ward being treasurer" but "was not informed" and does "not believe that Kendall Lynchey ever served" as Treasurer of the Committee. This corroborates Mr. Lynchey's assertion that he was not the Treasurer of the Committee.

As part of his challenge for AF# 1910, the Candidate includes two letters, one he sent to the Chairman of the Illinois Republican Party and one he received from Andrew D. Sere (whom he identifies as his campaign manager) and Martin Ozinga, III. In his letter to the Chairman, the Candidate specifically states that the Party will "assume all responsibility to administer the closing of my congressional committee including completing all reports required by the FEC," that the "Ozinga campaign and Marty Ozinga will also guarantee payment of approximately \$8,000.00 to repay the outstanding obligations," and there "will be approximately \$4,000.00 available ... to repay the ... obligations." In the letter from Mr. Sere and Mr. Ozinga, they state that they "shall be responsible for retiring the campaign debt" and the Party will complete "all administrative tasks related to closing down Baldermann for Congress." In this correspondence, there is no reference to naming a new Treasurer.

In AF# 2045, Mr. Lynchey is named as the respondent Treasurer. The Candidate submitted the challenge which is identical to the one he submitted for AF# 1910.

Staff has appealed in their conversations with the Candidate to file the missing reports with the expectation that the level of activity on the missing reports would go down and result in a significantly lower or possibly \$0 civil money penalty. The Reviewing Officer did this in her December 2008 conversation as well as the RAD Analyst in her May 11, 2009 conversation. As of this date, none of the reports have been filed.

Please note that in a conversation with the Reviewing Analyst who explained that future contacts will be with counsel since it appears he designated counsel for AF# 1910, Mr. Baldermann said he decided not to designate counsel at this time.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachments



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 2009

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 1795 – Baldermann for Congress and Kendall Lynchey, as Treasurer
(C00439869)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 April Quarterly Report and made a preliminary determination that the civil money penalty was \$5,500 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 22, 2008 of the Commission's RTB finding and civil money penalty. The RTB letter, sent to their address of record, was returned; and a copy was faxed to Mr. John Scanlin.

Respondents' Response

On October 28, 2008, the Commission received the written response ("challenge") from Mr. Kendall Lynchey requesting that the Commission make a final determination that he did not violate 2 U.S.C. § 434(a) as he is not, and has never been, the Treasurer and has never filed or signed a Statement of Organization naming himself as Treasurer of the Committee. He states that he has never had access to the Committee's electronic filing password and could not, and did not, file the February amended Statement of Organization. He never had access to the Committee's P.O. Box, which is why he did not receive the Commission's correspondence. He further states that he never authorized any individual associated with the Committee to name him as Treasurer.

Included with the challenge is a copy of the Statement of Organization, received October 17, 2007, and the Amended Statement of Organization, electronically filed on February 8, 2008.

Analysis

The 2008 April Quarterly Report has not been filed as of this date.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending March 30 no later than April 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on April 15 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). Every political committee shall have a treasurer and may designate an assistant treasurer who shall assume the treasurer's duties and

responsibilities if there is a temporary or permanent vacancy in the office or the treasurer is unavailable. 2 U.S.C. § 432(a) and 11 C.F.R. § 102.7(a).

At the time of the RTB finding, the Treasurer of the Committee was Kendall Lynchey. In his response, Mr. Lynchey explains how he did not file or sign a Statement of Organization allowing himself to be named as Treasurer of the Committee. He contends that he has never been the Treasurer of this Committee and thus, was incorrectly named in the RTB finding.

On October 17, 2007, the Committee filed its original Statement of Organization naming Christopher J. Ward as both the Treasurer and Custodian of Records. It appears that Mr. Ward signed the Statement. No other individuals are named as Designated Agents of the Committee. This Statement of Organization was hand delivered to the Commission. On February 8, 2008, Mr. Ward contacted the EFO requesting help with amending the Statement of Organization. Specifically, he called because the candidate name was not appearing on the form. Staff in the EFO assisted him and the Committee electronically filed an Amended Statement of Organization on that same day. The Treasurer was changed from Christopher J. Ward to Kendall Lynchey. Margarita Almanza, the Deputy Campaign Manager, is named as the Custodian of Records. Based on the response received from the Information Technology Division's Manager, confirmation of the successful upload of the February 8, 2008 Amended Statement of Organization was emailed to paul@pdscompliance.com.

The candidate, Timothy Baldermann, submitted the challenge to the RTB finding in AF# 1910 and 2045, two other cases involving the Committee. Mr. Baldermann states that he "was aware of Christopher Ward being treasurer" but he states that he "was not informed" and does "not believe that Kendall Lynchey ever served" as Treasurer of the Committee. Thus, the candidate corroborates Mr. Lynchey's assertion that he was not the Treasurer of the Committee.

As part of his challenge for AF# 1910, the Candidate includes two letters, one he sent to the Chairman of the Illinois Republican Party and one he received from Andrew D. Sere (whom he identifies as his campaign manager) and Martin Ozinga, III. In his letter to the Chairman, the Candidate specifically states that the Party will "assume all responsibility to administer the closing of my congressional committee including completing all reports required by the FEC," that the "Ozinga campaign and Marty Ozinga will also guarantee payment of approximately \$8,000.00 to repay the outstanding obligations," and there "will be approximately \$4,000.00 available ... to repay the ... obligations." In the letter from Mr. Sere and Mr. Ozinga, they state that they "shall be responsible for retiring the campaign debt" and the Party will complete "all administrative tasks related to closing down Baldermann for Congress." In this correspondence, there is no reference to naming a new Treasurer.

Based on the evidence provided, it appears that Kendall Lynchey was not Treasurer, as he has affirmed that he did not sign or authorize the signing of the Amended Statement of Organization filed on February 8, 2008. Neither Statement of Organization

discloses an Assistant Treasurer for the Committee. In the challenge to AF# 1910 and AF# 2045, the Candidate references the Illinois Republican Party, Mr. Sere and Mr. Ozinga, who had agreed to close down the Committee, yet no one is designated as Treasurer nor is it clear who may have been acting as Treasurer. Nonetheless, whomever was serving in that capacity did not adequately close the Committee, as required by 2 U.S.C. § 433(d)(1) and 11 C.F.R § 102.3(b), and file the missing reports. As such, the Reviewing Officer recommends that the Commission make a final determination against the Committee and its Treasurer in AF# 1795.

Staff members from both RAD and OAR have spoken with the Candidate on several occasions, urging him to file the missing reports. In March of 2008, the RAD Analyst spoke with the Candidate at length, explaining how to download the FECFile software and user manual, amend the Statement of Organization (the Candidate told her he is handling everything for the Committee), file a debt settlement plan and terminate the Committee. Furthermore, the Analyst explained that the Committee could not terminate until several issues raised in the Request for Additional Information were addressed. The Analyst clearly stated that the Committee was not eligible for termination at that point.

In December of 2008, the Reviewing Officer spoke with the Candidate in great detail about the Administrative Fine Program, the basis of Mr. Lynchey's challenge, and the missing reports. In this conversation, the Candidate acknowledged having some records, as well as stating that there was activity during the reporting periods in question. The Candidate stated that he did not remember downloading the FECFile software, as the RAD Analyst instructed in March of 2008. It was stressed that any documentation regarding the naming of Treasurer should be provided to OAR with the challenge. Furthermore, the Reviewing Officer emphasized that the reports should be filed and that, based on his description of the financial activity, the RTB fine may be reduced if the actual level of activity is closed. Lastly, the Reviewing Officer faxed copies of the RTB letters, the challenges submitted by Mr. Lynchey, as well as the Summary and Detailed Summary Pages for the 2008 12 Day Pre-Primary Report, to the Candidate.

The last report received by the Commission from the Committee is the 12 Day Pre-Primary Report which covers October 1, 2007 – January 16, 2008 and was electronically filed on January 24, 2008. This report discloses an ending cash balance of \$50,414.33. In the challenges for AF# 1910 and 2045, the Candidate includes a list of financial activity that has not been disclosed on the proper FEC form. Based on this information, it is clear that there was financial activity during the reporting periods in question and reports must be filed to accurately disclose such activity.

The administrative fine regulations' schedule of civil money penalties is based on four factors – if the report is election sensitive or not election sensitive, the level of activity on the late report or the estimated level of activity if it is not filed, the number of days late, and any previous civil money penalties assessed. 11 C.F.R § 111.43(a)(2), (d) and (e). The April Quarterly Report is not an election sensitive report. To date, it has not been filed, thus, the RTB fine was based on an estimated level of activity of \$157,306.

The respondents have no prior violations. Had the respondents filed the 2008 April Quarterly Report prior to the Commission's RTB finding, the amount of the civil money penalty would have been calculated using the actual level of activity disclosed for that reporting period.

Staff appealed in their conversations with the Candidate to file the missing reports with the expectation that the level of activity on the missing reports would go down and result in a significantly lower or possibly \$0 civil money penalty. The Reviewing Officer did this in her December 2008 conversation as well as the RAD Analyst in her May 11, 2009 conversation. As of this date, none of the reports have been filed.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the Committee and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1795 involving Baldermann for Congress and its Treasurer in making the final determination;
- (2) Make a final determination in AF# 1795 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents for AF# 1795 and AF# 1836

Attachment 2 – Declaration from RAD, _____

Attachment 3 – _____

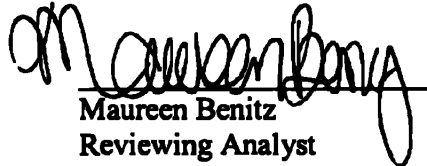
Attachment 4 – Challenges submitted by Timothy Baldermann for AF# 1910 and AF# 2045

Attachment 5 – Fax Cover Sheet and Material Faxed to Timothy Baldermann

Attachment 6 – Declaration from OAR

DECLARATION OF MAUREEN BENITZ

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2008 April Quarterly Report is due April 15, 2008. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on April 15 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of the:
 - a) Page 1 and 2 of the Summary Page for the 2008 12 Day Pre-Primary Report electronically filed by Baldermann for Congress and Christopher Ward, as Treasurer. According to Commission records, the report was received on January 24, 2008 and covers the period from October 1, 2007 through January 16, 2008. Line 8 shows an ending cash on hand balance of \$50,414.33; and
 - b) Six 48-Hour Notices electronically filed by Baldermann for Congress and Christopher Ward, as Treasurer. According to Commission records, the Notices were received on January 19, January 23, two on January 27, January 29 and February 2, 2008. The Notices list 18 contributions totaling \$28,600 received on January 1, 17, 22, 25, 26, 29 and 31, 2008.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 10th of June, 2009.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092643105

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

Check if different
than previously
reported. (ACC)

JOLIET

IL

60434

2. FEC IDENTIFICATION NUMBER

C00439869

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

IL

11

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

☒

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

02

05

2008

in the
State of

IL

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 10 01 2007 through 01 16 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Christopher Ward

Signature of Treasurer Electronically Filed by Christopher Ward

Date 01 24 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

BALDERMANN FOR CONGRESS

Report Covering the Period: From: M M D D Y Y Y Y To: M M D D Y Y Y Y
 1 0 0 1 2 0 0 7 0 1 1 6 2 0 0 8

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)).....	103819.00	103819.00
(b) Total Contribution Refunds (from Line 20(d)).....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	103819.00	103819.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	53245.76	53245.76
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	53245.76	53245.76
8. Cash on Hand at Close of Reporting Period (from Line 27).....	50414.33	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	

For further information contact:

Federal Election Commission
 999 E Street, NW
 Washington, DC 20463
 Toll Free 800-424-9530
 Local 202-694-1100

1 / 2

**48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED**
(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

Any information copied from such Reports and Statements may not to be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)

DATE
01/19/2008

For further information contact:
Federal Election Commission
999 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6
(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code Craig J. Duchossois 845 Larch Ave Elmhurst IL 60126	Name of Employer Duchossois Industries Occupation CEO	Date (month, day, year) 01/01/2008	Amount Received this Period 2300.00
Full Name, Address, and ZIP Code Ronald J. Gidwitz 200 S Wacker Dr, Ste 4000 Chicago IL 60606	Name of Employer GCG Partners Occupation Partner	Date (month, day, year) 01/17/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Heidi A. Huizenga 2215 York Rd, Ste 500 Oak Brook IL 60523	Name of Employer Self Employed Occupation Consultant	Date (month, day, year) 01/17/2008	Amount Received this Period 2000.00
Full Name, Address, and ZIP Code Peter H. Huizenga 2215 York Rd, Ste 500 Oak Brook IL 60523	Name of Employer Huizenga Capital Occupation Investments	Date (month, day, year) 01/17/2008	Amount Received this Period 2000.00
TOTAL THIS PERIOD (last page only)			7300.00

1 / 2

**48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED**
(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

Any information copied from such Reports and Statements may not to be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)

DATE
01/23/2008

For further information contact:
Federal Election Commission
999 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6
(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

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Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code Noreen Dollinger 7502 W. Hansel Rd Channahon IL 60410	Name of Employer Self Employed Occupation Farming	Date (month, day, year) 01/22/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Sebastian S. Paulmbo 4401 West Roosevelt Rd Hillside IL 60162	Name of Employer Orange Crush LLC Occupation Vice President	Date (month, day, year) 01/22/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Sue Rezin 5395 Crescent Green Ct Morris IL 60450	Name of Employer Homemaker Occupation Homemaker	Date (month, day, year) 01/22/2008	Amount Received this Period 1000.00
TOTAL THIS PERIOD (last page only)			3000.00

1 / 2

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1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

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4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)

DATE
01/27/2008

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Federal Election Commission
999 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 202-694-1100

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(Revised 1/2001)

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(continuation page)

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Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code Thomas D. Grusecki 5060 River Rd Schiller Park IL 60176	Name of Employer Northern Builders Inc Occupation Executive Vice President	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Gregory P. Kolinski 10532 Great Egret Dr Orland Park IL 60467	Name of Employer Ledor Construction Occupation Preconstruction Manager	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Fred A. Krehbiel 505 South County Line Rd Hinsdale IL 60521	Name of Employer Molex Inc Occupation Executive	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code John D. Peacock 2576 Creekside Ln Morris IL 60450	Name of Employer Peacock & McFarland Occupation Attorney	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Charles E. Smith, Jr 18645 W West Creek Dr Tinley Creek IL 60477	Name of Employer Occupation	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Mark Vandenberg 20658 Francisca Way Frankfort IL 60423	Name of Employer Occupation	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
TOTAL THIS PERIOD (last page only)			6000.00

1 / 2

**48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED**
(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

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4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)

DATE
01/27/2008

For further information contact:
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999 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6
(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

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Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code George Barr 2801 Black Rd Joliet IL 60435	Name of Employer Self Employed Occupation Contractor	Date (month, day, year) 01/26/2008	Amount Received this Period 1500.00
Full Name, Address, and ZIP Code FREEDOM PROJECT: THE 424 G Street NE Basement UNIT Washington DC 20002	Name of Employer Occupation	Date (month, day, year) 01/26/2008	Amount Received this Period 5000.00

TOTAL THIS PERIOD (last page only)**6500.00**

1 / 2

**48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED**
(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)

DATE
01/29/2008

For further information contact:
Federal Election Commission
999 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6
(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

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Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code			Name of Employer	Date (month, day, year)	Amount Received this Period
Daniel Para			Self Employed	01/29/2008	1000.00
17 Ridge Farm Rd					
Burr Ridge	IL	60527	Occupation Investor		

TOTAL THIS PERIOD (last page only)**1000.00**

1 / 2

**48 HOURS NOTICE OF
CONTRIBUTIONS/LOANS RECEIVED**
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1. NAME OF COMMITTEE IN FULL

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ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

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4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)

DATE
02/02/2008

For further information contact:
Federal Election Commission
999 E Street, NW, Washington, DC 20463
Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6
(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

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Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code C&F Partnership 9821 S 78th Ave Hickory Hills IL 60457	Name of Employer Occupation	Date (month, day, year) 01/31/2008	Amount Received this Period 2300.00
Full Name, Address, and ZIP Code AMERICAN BANKERS ASSOCIATION PAC (BANKPA-C) 1120 Connecticut Avenue NW Washington DC 20036	Name of Employer Occupation	Date (month, day, year) 01/31/2008	Amount Received this Period 2500.00
TOTAL THIS PERIOD (last page only)			4800.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 15, 2009

Kendall Lynchey
Baldermann for Congress
c/o 1938 E. Lincoln Highway, Suite 210
New Lenox, Illinois 60451

C00439869
AF# 1795, 1836 and 2045

Dear Mr. Lynchey:

On September 19, 2008 and April 8, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Baldermann for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 April and July Quarterly, and Year End Reports, respectively. The Commission also made preliminary determinations on these dates that the civil money penalty was \$5,500 for each of these three reports based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written responses and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in these matters. Copies of the Reviewing Officer's recommendations are attached.

You may file with the Commission Secretary a written response to the recommendations within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF numbers in your response. Your response may not raise any arguments not raised in the original written responses or not directly responsive to the Reviewing Officer's recommendations. 11 C.F.R. § 111.36(f). The Commission will then make final determinations in these matters.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Maureen Benitz
Maureen Benitz
Reviewing Analyst
Office of Administrative Review

cc: Timothy Baldermann
Attachments

29092643120



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 JUL 22 P 3: 53

July 22, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey *7-22-09*
Staff Director

From: John D. Gibson *JDG*
Chief Compliance Officer

Shawn Woodhead Werth *SWW*
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1795 – Baldermann
for Congress and Kendall Lynchey, as Treasurer (C00439869)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$5,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 28, 2008, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated June 10, 2009 was forwarded to the Commission, a copy was sent to the respondents and candidate, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the Committee and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Reviewing Analyst spoke with Mr. Lynchey's representative on June 15 who said he would likely respond to the ROR to clarify that Mr. Lynchey was not involved with Christopher Ward, the Committee's

29092643121

original Treasurer. She also spoke with Mr. Baldermann on June 25 about the ROR; he did not indicate if he would respond to it.

On July 7, 2009, the Commission received, via facsimile, the paper copy of the April Quarterly Report. The report was filed electronically on July 10, 2009. As of this date, no written responses to the ROR have been received.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1795 involving Baldermann for Congress and its Treasurer in making the final determination;
- (2) Make a final determination in AF# 1795 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500; and
- (3) Send the appropriate letter.

29092643122

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1795
Baldermann for Congress and Kendall)
Lynchey, as Treasurer (C00439869))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on August 06, 2009, the Commission decided by a vote of 5-0 to take
the following actions in AF 1795:

1. Adopt the Reviewing Officer recommendation for AF 1795 involving
Baldermann for Congress and its Treasurer in making the final
determination.
2. Make a final determination in AF 1795 that Baldermann for Congress
and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money
penalty of \$5,500.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision. Commissioner McGahn II did not vote.

Attest:

August 6, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

29092643123



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kendall Lynchey
Baldermann for Congress
c/o 1938 E. Lincoln Highway, Suite 210
New Lenox, Illinois 60451

C00439869
AF# 1795

Dear Mr. Lynchey:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Baldermann for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 April Quarterly Report. By letter dated September 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 28, 2008, the Office of Administrative Review received the written response from you challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$5,500 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 15, 2009.

On July 7, 2009, the Commission received, via facsimile, the paper copy of the April Quarterly Report. The report was filed electronically on July 10, 2009.

On August 6, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$5,500. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise

29092643124

an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose To Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

Attachment

CC: Timothy A. Baldermann

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$5,500 for the 2008 April Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Baldermann for Congress .

FEC ID#: C00439869

AF#: 1795

PAYMENT AMOUNT DUE: \$5,500

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 0000111100 BA# 1 10-07-09 20 4



1153

BALDERMANN FOR CONGRESS
1800 E. LINCOLN HWY. SUITE 213
NEW LENOX, IL. 60451
(815) 717-0000

FIRST COMMUNITY BANK
JOLIET, ILLINOIS 60438
708-250-7110

PAY TO THE ORDER OF *Federal Election Commission* \$ *1,111⁰⁰*

One Thousand One Hundred Eleven and 00/100 DOLLARS

MEMO *[Redacted]*

[Signature]

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 0000438900 BA# 1 10-07-09 20 4



Megan K. Baldermann
Timothy A. Baldermann

3942

[Redacted]

Federal Election Commission \$ *4389⁰⁰*

Four Thousand Three Hundred Eighty Nine and 00/100 DOLLARS

FIRST BANK OF MANHATTAN
MANHATTAN, ILLINOIS

For *[Redacted]*

[Signature]

[Circular Stamp: BOSTON SEP 27 2009]



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1795

DATE SCANNED

11/25/09

SCANNER NO.

2

SCAN OPERATOR

EE5

29092643128